

**JIM CONLEY
CHARGED
WITH
CONFESSING HE
SLEW MARY
PHAGAN**

Attorneys for Leo M. Frank, at Hearing for New Trial, Read

Affidavit From Negro Woman in Which She Asserts Con-

ley, on Her Promise to Marry Him, Admitted to Her in the

Fulton County Tower That He Killed the Girl and That He

Had lied When He Said Frank Was Guilty of
the Crime

**DECLARES HE TOLD HER CONDEMNED
MAN**

**KNEW NOTHING AT ALL ABOUT
THE CRIME**

Minister Also Makes Affidavit That He Stepped
Into an

Alley on a Night Shortly After the Murder and
Heard Two

Negroes Talking, One of Whom Said He Had
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in the Pencil Factory—This Negro, Affiant
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The affidavit of a negress who swears that Conley has confessed to her the murder of Mary Phagan; the affidavit of a Baptist Minister that he heard a negro identified as Conley admit the murder, and the affidavit of a woman, who claims to have seen Frank at his desk in the factory after Mary Phagan went down the steps toward the street, were distinct sensations sprung by the defense of Leo M. Frank at the hearing of his extraordinary motion for a new trial before Judge Hill Friday morning.

Annie Maud Carter, of 88 1-2 West Linden Avenue, a negress recently sentenced by Judge Hill to twenty years in the penitentiary for highway robbery, but more recently granted a new trial and released on bond, swears that Conley during Christmas week promised to tell her the truth about the crime if she would promise to marry him, and on the promise she swears he admitted the murder, and gave her many details, explaining the opening of the basement door and the disappearance of the slain girl's purse.

MADE ANOTHER AFFIDAVIT.

The affidavit of the Carter woman, used by the defense, was taken Thursday afternoon. Earlier in the day, the city detectives secured an affidavit from her in which she admitted the claim that

she had made an effort to secure a confession from the Negro, but failed.

Rev. C. B. Ragsdale, of Kirkwood, pastor of the Plum Street Baptist church, testifies in an affidavit that Monday after the tragedy, April 26, 1913, he went into an alley off Madison Avenue, behind the Terminal Hotel, and that two Negroes came in the alley after he did. It was dark and they couldn't see him, and he didn't see them, he testifies, but could tell from their voices that the men talking were Negroes. One of them, he says, admitted killing a girl in the pencil factory.

R. L. Barber, now of Temple, Ga., a former member of Mr. Ragsdale's congregation, swears he saw the minister go in the alley and was waiting to speak to him. When the Negroes went into the alley, he walked over there. They came out before the pastor, he asserts, and he recognized one of the men as Jim Conley.

The minister told him that one of the Negroes had confessed to killing a girl in the factory, and he advised him, because of the excitement about the murder, to make no statement.

The third sensation was the testimony of Mrs. Maud Bailey, supported by the statement of her mother, Mrs. Mae Barrett.

SAW GIRL LEAVE.

Mrs. Bailey testifies she saw a girl answering Mary Phagan's description, leave Frank's office on the day of the tragedy between 12:10 and 12:20 o'clock, and that the girl went down the steps and Frank remained in his office. She was waiting near the office door for her mother, who joined her later, and Frank was still in his office when they left the factory, both assert. Mrs. May Barrett has figured in the case as one of the people in the factory on the day of the tragedy, but was not used as a witness at the trial.

When the affidavits had been read to the court, and allowed filed as amendments to the motion, despite the protest of

Solicitor General Dorsey. Judge Ben H. Hill adjourned the hearing until next Friday that the solicitor might have time to make his counter showing on the new points.

MAY DELAY HEARING.

The defense asked the court to have Mr. Dorsey furnish copies of the affidavits which he will introduce on the points made in the first motion. The court refused to demand the papers, and Dorsey said he did not wish them placed in the defense's hands until properly introduced. Attorney Luther Rosser then told the court that the procedure might be delayed as the defense would have to make an investigation of the counter showing.

Judge Hill then announced that while open to argument he knew of no law which would require another postponement if the solicitor makes a simple "counter showing" without bringing into the case matters not originally placed there by the defense's motion.

RAGSDALE AFFIDAVIT.

The Ragsdale affidavit was that on Monday night after the tragedy, the pastor (the affiant) was on a West Fair to Lee street car. He left the car at Madison Avenue and entered the dark alley back of the Terminal Hotel. After he entered, two Negroes came in, stopping short of where he stood in the darkness and conversing there apparently unconscious that they were overheard.

One of them said, swears the pastor, "I'm in trouble. I killed a little girl at the factory the other day, and I want you to help me."

The other asked "Who was there beside you?" And the first one answered "Nobody—except Mr. Frank, and I'm not sure about him."

He waited until the Negroes left, the

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DEFENSE SPRINGS

NEW

SENSATION IN

FRANK

HEARING

(Continued from Page 1.)

pastor swears, not wishing to pass them then. Outside he met R. L. Barber, a member of his congregation, and told Barber what he had overheard.

Barber answered "That's the murder they're having so much excitement about. You'd better not say anything. You've just come here, and it would mean a heap of trouble." Therefore, swears the pastor, he said nothing until Thursday, when he went voluntarily to the office of counsel for the defense and made his affidavit, being unable to withhold himself from the case any longer."

R. L. Barber's affidavit sets forth that he lives now in Temple, Ga., but formerly lived in Atlanta and worked here as a gas fitter and plumber. He swears he saw his pastor get off the car and enter the alley, and saw the Negroes follow him after a moment.

They stayed in there about a minute, he said, and he became uneasy and started toward the alley. As he neared it, the two Negroes came back out and passed him and he recognized one of them as Jim Conley, whom he knew from having seen the negro when he (Barber) was doing some work for the Busy Bee café in the pencil factory building. Ragsdale told him then, swears Barber, of the conversation he heard, and he counseled him to keep it quiet.

DEFENSE WINS POINT.

Affidavits signed by the attorneys for the defense followed these two, setting forth that the attorneys knew nothing of this evidence until Thursday afternoon.

Solicitor Dorsey objected to the introduction of the affidavits. There was no showing, said he, to preclude the probability that some of the innumerable agents or detectives of the defense knew of the testimony previously. It was unfair to the court, said he, to permit this. The hearing might be made interminable.

Judge Hill allowed the affidavits, ruling that at any time until the arguments begin the defense can amend its extraordinary motion.

Attorney Rosser indignantly repudiated any insinuation that counsel for the defense would conceal anything from the court. "We are giving everything to you as fast as we get it," said he.

Several affidavits were introduced to support the characters of Ragsdale and Barber.

MRS. BAILEY'S AFFIDAVIT.

Mrs. Maud Bailey, of 253 Lumpkin Street, was the next affidavit introduced. She swore that on April 26, 1913, she and her mother came to town, got off the car at Forsyth and Mitchell Streets, and went to the store of Iverson Brothers, where she waited while her mother went to the pencil factory at 11:45 o'clock, going up to the second floor. She saw Jim Conley as she went up. She saw in the office Leo M. Frank, Arthur White, Mrs.

White and Frank's stenographer. Her mother came down, and she upbraided her for delaying. Her mother went back upstairs to get some package.

Mrs. White, Arthur White and the stenographer left Frank's office while she continued waiting near the clock. That left her alone, with Frank in the office. At 12:10 o'clock, she saw a young girl come up and enter Frank's office. The girl was small in stature, and was of heavy build. She was dressed in a pink or lavender dress. After two or three minutes, the girl came out and left.

Mrs. Barret came down and she and Mrs. Bailey then left, going to the Alverson store again. Mrs. Bailey telephoned to a friend from there at about 12:25 o'clock, she swears. She remembers the hour because she could not have reached the friend at 12:30, when the lunch hour began, and she just did telephone in time. She swears she tried to tell all this to Solicitor Dorsey, but he became angry and abused her until she was confused, and then she made an affidavit of some character almost without knowing what she swore.

The lawyers for the defense submitted this affidavit as a further amendment with the showing that they knew nothing of it until Thursday, April 23, 1914, not even knowing before then that Mrs. Bailey was near the factory on the day of the murder.

DEFENSE SCORES AGAIN.

They submitted also an affidavit from Mrs. Mae Barret corroborating as far as she knew them the statements involving her in Mrs. Bailey's affidavit.

Solicitor Dorsey objected. Judge Hill admitted the amendment.

CARTER WOMAN'S AFFIDAVIT.

The affidavit of Anne Maud Carter, who declares she lives at 88 1-2 West Lynden Avenue, was then read. She testified she was sent to jail October 7, 1913, and that in November she met Jim

Conley, and that she often stopped in the corridor of his cell and talked with him after that. He talked freely about the crime, she testifies, but at first claimed he was innocent of any connection with it except that he carried the body to the basement.

Later, Conley told her that he was “so near guilty that he had lost hope.” Later still, during Christmas week, Conley told her that he would tell her the

Makes Frank Affidavit

REV. C. B. RAGSDALE.

Pastor of Plum Street Baptist church, who has given the defense an affidavit in which he says he heard a conversation a few days after the Phagan murder between two Negroes, in which one told the other he was in trouble about killing a white girl.

truth, if she would promise to marry him. She promised, she asserts, and then he told her he killed the girl and he and Frank both violated her. Immediately thereafter in the same conversation, he admitted he had lied, she says about Frank, and then he told her that he had killed Mary Phagan and Frank knew nothing of the crime.

When the girl came down the steps, she swears Conley told her, he called to her and said someone wished to speak to her. She walked back toward the elevator, and then he knocked her in the head. He choked her and dropped her body down the hole near the elevator to the basement.

ADMITS WRITING NOTES.

Then, affiant swears, the negro admitted he violated the girl, and then wrote the notes in an effort to fasten suspicion for the

crime on Newt Lee, the negro night watchman. First, he put the notes in her bosom, but decided later to leave them on the floor beside the body. He then took one of the instruments used to open boxes and forced the lock off the door. Then he went to a saloon and had a glass of beer, and later returned to the factory to his work to throw suspicion away from himself. Later during the day he came intoxicated, he said, according to the affiant.

Conley explained the missing purse, the woman swears, by saying that he spent the money and gave the purse to a little negro girl, who is not named.

The woman told in detail of notes which she claims Conley wrote, and of the improper proposals, which she said the notes contained.

He told her, she asserts, that he wanted to serve his twelve months' sentence and then marry her. If she didn't marry him, she asserts he told her, he would go to Cincinnati and marry a white woman there.

The woman asserted that Thursday she was at police headquarters and Detectives Lanford, Chewning and Sturdivant took an affidavit from her.

"KNEW HE WAS GUILTY."

"I knew that they were trying to protect Conley," she says, "and so I didn't tell them the truth about what he had said to me in the jail. I knew he was guilty and that Mr. Frank was not, but I knew they would want to help Conley, so I didn't tell them. I went to Mr. Jake Jacobs on Decatur Street right after they talked to me and told him all about it."

It was Jacobs who sent the woman to the offices of Frank's attorneys, where she told her story.

She signed the second affidavit a few hours after the headquarters visit.

The full text of the affidavit, which she made at headquarters was not made public, but Chief Newport Lanford asserts that in it the woman swore that a man friendly to Frank had told her that she would make enough to live in luxury the rest of her life if she would get Conley to confess. She failed, she swears in the affidavit made for the detectives, to get any admission from him, although she frequently went to his cell door and talked with him for hours. This, according to the chief, was the substance of the affidavit.

For some time, previous to that he was well known here, preaching frequently at the Western Heights Baptist church. He lived in North Georgia at the time.

He accepted a call to the Western Heights Baptist church about three years ago, leaving there not long afterward to take over the pastorship of the Capitol View Baptist Church.

His present charge is the Plum Street Baptist church, which he assumed nearly two years ago. It is located at 101 Plum Street, near Carput Street, a small mission numbering about 100 members.

Mr. Ragsdale lives in Kirkwood with his wife and family. He is a member of the Atlanta Baptist Ministers' conference.
